

*** NOT FOR PUBLICATION ***

NO. 25809

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MITCHELL D. WAITE, Petitioner-Appellant

vs.

DIANE BUTTON, Respondent-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(FC - UCCJ NO. 02-1-0026)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the Honorable Karen M. Radius's April 7, 2003 decision and order is not an appealable final order. In family court cases "[a]n interested party aggrieved by any order or decree of the court may appeal to the supreme court for review of questions of law and fact upon the same terms and conditions as in other cases in the circuit court[.]" HRS § 571-54 (1993). The statute that generally authorizes appeals from circuit court cases is HRS § 641-1(a) (1993). However, HRS § 641-1(a) authorizes only appeals from final judgments, orders, or decrees. "A 'final order' means an order ending the proceeding, leaving nothing further to be accomplished." Casumpang v. ILWU, Local 142, 91 Hawai'i 425, 426, 984 P.2d 1251, 1252 (1999) (citation omitted). The April 7, 2003 decision and order did not finally determine the primary issue of this case, child custody. Therefore, the April 7, 2003 order did not end the proceeding, and Plaintiff-Appellant

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Mitchell D. Waite's appeal is premature. Accordingly,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, August 13, 2003.